



Comptroller General
of the United States
Washington, D.C. 20548

P. Williams

Decision

Matter of: Crouse-Hinds Joy Molded Products--Reconsideration
File: B-242237.2; B-242238.2
Date: January 30, 1991

Robert J. McCann, for the protester.
Paula A. Williams, Esq., and John F. Mitchell, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

DIGEST

1. Request for reconsideration of decision dismissing protests is denied where protester does not show that prior dismissals were based on either errors of fact or law and protester does not present information not previously considered which warrants reversal or modification of the prior decision.
2. Significant issue exception to the General Accounting Office's timeliness requirements will not be invoked where the protest involves a matter which has been considered on the merits in previous decisions and which does not appear to be of widespread interest to the procurement community.

DECISION

Crouse-Hinds Joy Molded Products requests reconsideration of our dismissal on December 12, 1990, of its protests against the award of contracts to General Marine Products, Inc., for the acquisition of ship to shore connector assemblies under request for proposals (RFP) Nos. N00123-90-R-5459 and N00123-90-R-5372, issued by the Department of the Navy.

We deny the request for reconsideration.

In its protests filed with our Office on December 4, 1990, Crouse-Hinds argued that the item descriptions used in these solicitations incorporated a military specification containing a Qualified Products List (QPL) requirement and because General Marine's products were not listed on the QPL, any award to that firm was improper. We dismissed the protests as untimely because we learned that Crouse-Hinds had initially filed an agency-level protest on September 20 raising the identical issue and that by letter dated October 1, the

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agency had denied the protests on the ground that the solicitations did not require the successful offeror to be designated on the QPL. Since Crouse-Hinds' subsequent protests to our Office were not filed within 10 working days after receipt of the October 1 letter, the protests were untimely. 4 C.F.R. § 21.2(a)(3) (1990).

The record shows that Crouse-Hinds continued to correspond with the Navy in October and November after the agency had initially denied the firm's protests. By letter dated November 20, 1990, and received by Crouse-Hinds on November 26, the Navy's contracting officer advised Crouse-Hinds that a reconsideration of the agency's October 1 denial was "unnecessary" and "not in the government's best interest" and that the firm's protests would not be further reviewed. Crouse-Hinds now states that it had no reason to protest to our Office until after it received the agency's denial of its request for reconsideration on November 26. We disagree. Crouse-Hinds was clearly on notice as of its receipt of the Navy's October 1 letter that the awards to General Marine would not be disturbed; the fact that Crouse-Hinds continued to pursue the matter with the Navy after its protests were denied, rather than file the protests with our Office, does not toll our timeliness requirements. Novitas, Inc., -- Second Request for Recon., B-238178.3, May 17, 1990, 90-1 CPD ¶ 483.

Alternatively, Crouse-Hinds requests that even if we find its protests untimely, we should nonetheless consider them pursuant to the exception in our timeliness rules for protests that raise significant issues. 4 C.F.R. § 21.2(b).

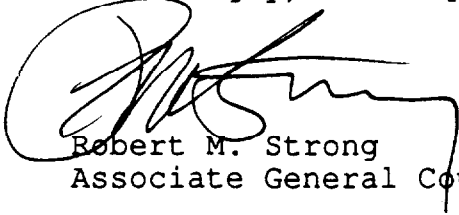
Our Office may consider an untimely protest under the significant issue exception where the issue raised has not been considered on the merits in a previous decision and concerns a matter of widespread interest to the procurement community. Novitas, Inc. -- Second Request for Recon., B-238178.3, supra. However, this exception is strictly construed and sparingly used to prevent our rules from being rendered meaningless.

Crouse-Hinds' protests do not fall within this narrow exception. Not only have we previously considered, and rejected, the argument made by Crouse-Hinds, see, e.g., Comspace Corp., B-237794, Feb. 23, 1990, 90-1 ¶ 217, but the interpretation of the solicitation language at issue here appears to primarily affect Crouse-Hinds and be relevant only to a particular item, rather than being widespread interest to the procurement community.

The established standard for reconsideration is that the requesting party must show that our prior decision contains

either errors of fact or of law or any information not previously considered that warrant reversal or modification. 4 C.F.R. § 21.12(a). Since Crouse-Hinds has not met this standard, we will not reconsider our decision.

Accordingly, the request for reconsideration is denied.

A handwritten signature in black ink, appearing to read 'R. Strong', is written over the typed name and title.

Robert M. Strong
Associate General Counsel